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10/071,627	02/11/2002	J. Kjell Hovik	HOVIKPA	2339

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EXAMINER

ALOMARI, FIRAS B

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,627

Applicant(s)

HOVIK, J. KJELL

Examiner

Firas Alomari

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2136

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the following informalities: specialty in line 21 is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Walter et al. US (2003/0208381).

Regarding claim 1: Walter discloses a personal medical records retrieval system comprising:

a remote medical records database having an Internet website; (Page 1,

Paragraph 15, lines 4-7)

Art Unit: 2136

a personalized access code for said remote medical records data base; (Page 3, Paragraph 26, lines 13-22 and items 206,208 and 210 of FIG 2)and means connecting a person (having said personalized access code) to said remote medical records database 24 hours a day and 365 days a year from locations throughout the world. (Page 1, Paragraph 16, lines 1-8 and Page 3, Paragraph 26, lines 13-22)

Regarding 2: Walter discloses the personal medical records retrieval system as recited in claim 1 wherein said medical records database has a Firewall security and privacy/privacy protection system. (Page 2; Paragraph 21; primary and secondary firewalls are used to protect web and data servers in the arrangement also, IPSec in page 2,Paragraph 20, user authentication in Paragraph 23 and anonymous user mode in paragraph 24 are used to protect user privacy)

Regarding claim 3: Walter discloses the personal medical records retrieval system as recited in claim 1 wherein means connecting a person to said medical records database is the Internet.(Page 2, Paragraph 21, lines 1-4)

Regarding claim 5: Walter discloses the personal medical records retrieval system as recited in claim 1 wherein said personalized access code can only be obtained by becoming a subscribing member to said personal medical records retrieval system. (Page 2, Paragraphs 24 and 25; describes the methods that are available to the user to obtain access to their healthcare records)

Art Unit: 2136

Regarding 6: Walter discloses the personal medical records retrieval system as recited in claim 5 wherein said personalized access code comprises a user name and a password. (While Walter doesn't explicitly disclose a username and a password but this limitation deems to be inherent to Walter system because the system will not be able to authenticate users (Page 3, Paragraph 26, lines 13-22) without a user identification and a password)

Regarding claim 7: Walter discloses the personal medical records retrieval system as recited in claim 1 wherein said medical records database comprises an Activity Report chronologically listing by date when a person went to any doctor, any medical specialist and any hospital and also listing the name of the doctor, medical specialist and hospital. (Page 3, Paragraph 30, lines 5-20)

Regarding claim 8: Walter discloses the personal medical records retrieval system as recited in claim 7 wherein said Activity Report has an Encounter Summary column and a Medical Records column each of which may be clicked on with a computer mouse for each chronological date. (Page 3, Paragraph 31)

Regarding claim 9: Walter discloses the personal medical records retrieval system as recited in claim 7 wherein said Activity Report contains at least the last 3 years of a person's medical care. (Page 4, Paragraph 36, lines 8-17)

Art Unit: 2136

Regarding claim 10: Walter discloses the personal medical records retrieval system as recited in claim 8 wherein said Encounter Summary column for each chronological date lists the person's medical complaints, the doctor's diagnosis, the treatment provided and any medications prescribed. (Page 3, Paragraph 29 and Paragraph 31, lines 1-14)

Regarding claim 12: Walter discloses the personal medical records retrieval system as recited in claim 11 wherein some of said categories are captioned (1) SOAPS, (2) Labs, (3) Radiology, (4) Pathology, (5) Current Meds, (6) Med RX Status, (7) Med. Controls, (8) Prev. Meds., (9) Ongoing DX, (10) Resolved TX, (11) Preventive Therapies, (12) Past Significant TX, (13) Current Specialist Care, (14) Specialty Consultations, (15) Referral Tracking, (16) Misc. Studies/Tests, (17) Out Patient Services, (18) Patient Education Tracking, (19) Immunization Status, and (20) Misc. Entries. (Page 2, Paragraph 19, lines 8-25 and Page 3, Paragraph 31)

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

Art Unit: 2136

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 11, 13-14, 15, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al. US (2003/0208381) in view of Rozen et al. US(6,073,106).

Regarding claim 4: A personal medical records retrieval system as recited in claim 1 further comprising:

a Medical Service Center staffed by trained personnel; (Page 1, Paragraph 15, Lines 8-14) and means connecting said Medical Service Center to said medical records database; (Page 1, Paragraph 16, Lines 1-8) but he doesn't explicitly disclose the Medical Service center having a telephone number that can be called from anywhere in the world and a person's medical data from said medical records database can be transmitted over the telephone. However Rozen discloses a method for managing and obtaining a person medical information using a plurality of communication method including regular phone lines (Col 5, lines 31-42) Rozen system teaches the medical center having a publicized phone number where the requester can call and through the voice instructions a copy of the medical records is transmitted to the requester through phone lines (Col 9, lines 48-65). Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention was made to modify Walter's system with teaching of Rozen to include a publicly known phone number that can be called from anywhere to obtain a user medical information. One would be motivated to do so in

Art Unit: 2136

order to provide the system with the ability to provide a read only copy of personal medical information in a cases emergency and to make such medical information available regardless of the physical location of the person.

Regarding claim 15: Walter doesn't disclose the personal medical records retrieval system as recited in claim 4 wherein new and developing medical information from a person's doctors can be transmitted directly to said Regional Medical Center thereby eliminating the need for patient medical file folders in the doctor's office. However Rozen discloses a method for managing medical information where patient medical records and changes are transmitted to the health service provider (Col 7, lines 15-39 and Col 9, line 66 through Col 10, line 18) to eliminate the need for keeping the medial file on the doctor's office (Col 4, line 66 through Col 5, line 11). Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify Walter's system to include the step of transmitting the medical record for the medical center. One would be motivated to do so in order to enable the system to provide real time up-to-date medical records for patient and health care providers.

Regarding 11: Walter disclose personal medical records retrieval system as recited in claim 8 wherein said Medical Records column (for each chronological date listed) when clicked on with a computer mouse lists a person's medical history in at least 10 different categories;(Page 3; Paragraph 31, lines 1-12) the information in each of said categories having been inserted therein by trained

Art Unit: 2136

personnel (in a Medical Service Center) (Page 3, Paragraph 31, lines 12-33) but he doesn't disclose the information in each of said categories having been inserted therein by trained personnel (in a Medical Service Center) that have reviewed (1) a medical history questionnaire completed by the patient and (2) medical records from the patient's doctors. However Rozen discloses a method for managing and obtaining a person medical information where he teaches the a medical services representative reviewing any medical record inserted in the system (Col 6, lines 49-61 and Col 9, lines 11-35) and each medical record being reviewed for the medical history questionnaire (Col 6, line 62 through Col 7, line 3) and the medical records from patient's doctors (Col 9, line 66 through Col 10, line 18). Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Walter's system with the teachings of Rozen to review the medical history questionnaire and the medical record from the patient doctor by the medical service center staff before the data is inserted to the database. One would be motivated to do so in order to enable the system to provide the patient and the health care provider with accurate information through insuring consistency of records by specialized medical personnel and to enable the system to identify what information can be disclosed to health care provider upon request.

Regarding claim 13 and 14: Walter doesn't disclose the personal medical records retrieval system as recited in claim 11 wherein said medical history questionnaire is a physical document and is completed by writing the answers. However Rozen

Art Unit: 2136

system for managing medical information teaches the use of paper forms or online over the internet to what information to disclose and what not to disclose (Col 9, lines 9-20 and Col 7, lines 1-6) and the medical center uses the paper forms or online forms to identify if the persons medical information is authorized to be released or not(Col 9, lines 21-35 and Col 6, lines 49-65). Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Walter's system with the teaching of Rozen to review the medical history questionnaire where the questionnaire is a physical document. One would be motivated to do so in order to enable the system to guarantee privacy and to meet the legal requirement of protecting medical histories for patients by not releasing any information unless it's authorized.

Regarding claims 16 and 17: Walter doesn't explicitly disclose the personal medical records retrieval system as recited in claim 3 wherein with a person's permission and their personalized access code, a person's personal doctor can access that person's medical history from said medical records database.

However Rozen discloses a method for managing and obtaining a person medical information where he teaches a person providing his access code to the doctor to provide the doctor with access to the person's medical record (Col 4, line 66 through Col 5, line 11 and Col 10, line 48 through Col 11, line 4).

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Walter's system with the teachings of Rozen to provide the doctor with access to the person medical records by using the person

Art Unit: 2136

access code. One would motivated to do so in order to provide more flexibility to the patient by allowing him to visit any doctor regardless of the physical location or previous knowledge of the patient and enabling the doctor to have the required information to instantaneously treat a patient without waiting for the physical medical records or performing unnecessary tests to obtain such information.

3. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al. US (2003/0208381) in view of Teshima US (6,272,470).

Regarding claim 18: Walters doesn't disclose the personal medical records retrieval system as recited in claim 1 further comprising a Smart Health Card that contains a small computer in the form of a computer chip with a memory embedded that contains a person's medical history. However Teshima discloses a method for recording and retrieving medical records using a smart card (Col 4, Lines 4-7) the smart card containing a microprocessor and memory for storing patient's medical records(Col 3, line48 through Col 4 line 3). Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention was made to modify Walters system to include the teachings of Teshima to include a smart card containing patients medical history. One would be motivated to do so in order to enable the patient to have an on-person device for carrying important medical information to provide to health care providers in case of emergencies and where there is an immediate need for important medical information.

Art Unit: 2136

Regarding 19: Teshima discloses a medical passport into which is inserted said Smart Health Card (Col 7, lines 58-60 and item 14 of FIG.2) and further comprising a CD-ROM disc that has a person's complete medical records on it and it can be read on any PC or laptop(Col 7, lines 18-24), with proper authorization(Col 7 line 66 through Col 8, line15).

Regarding claim 20: Teshima discloses said Smart Health Card can be read on a card reader in a physician's office, in a hospital, in emergency vehicles and any other place that is equipped with a card reader. (Col 8, lines 3-15; Col 14, lines 13-25 and Item 3 of FIG 1)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firas Alomari whose telephone number is (571) 272-7963. The examiner can normally be reached on M-F from 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ SHEIKH can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2136

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Firas Alomari
Examiner
Art Unit 2136

FA


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